

REMARKS/ARGUMENTS

The Office has identified the following groups and is requiring an election of one of the same:

- Group I:        Claims 1-6, drawn to a carbon fiber precursor fiber bundle;
- Group II:       Claims 7-15 and 29-30, drawn to a method of making a carbon fiber precursor bundle;
- Group III:      Claims 16-25, drawn to an apparatus for making a carbon fiber precursor fiber bundle; and
- Group IV:      Claims 26-28, drawn to a method for using a carbon fiber precursor bundle.

**Applicants elect with traverse Group III, Claims 16-25, for examination.**

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Office if restriction is not required (MPEP §803). The burden is on the Office to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Office has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Office alleges that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Arai et al teaches an apparatus for making Plural pitch fibers are divided into two or more bundles and interlacing by air flow is applied to the each bundle to provide a first fiber bundle, and plurality of the first fiber bundles are joined and interlacing by air flow is applied to the joined pitch fiber bundle to provide a second fiber bundle and the pitch fiber is taken off from the second fiber bundle which corresponds to an intermingling device that comprises a yarn channel having a flat rectangular section capable

of passing a plurality of small tows which are adjacent to each other and that comprise a plurality of air jet holes. Because the special technical feature does not make a contribution over the prior art, restriction is proper.

Annex B of the Administrative Instructions under the PCT, paragraph b (Technical Relationship), states, emphasis added:

The expression "special technical feature" is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, ***considered as a whole***, makes over the prior art. The determination is made on the contents of the claims as ***interpreted in light of the description*** and drawings (if any).

Applicants respectfully submit that the Office did not consider the contribution of each invention, ***as a whole***, in alleging the lack of a special technical feature. Applicants also respectfully submit that the Office has not provided any indication that the contents of the claims ***interpreted in light of the description*** were considered in making this allegation. Therefore, the Office has not met the burden necessary to support the assertion of a lack of unity of the invention.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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